

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

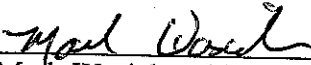
Docket # 2010-01UP

Michael K. Sanders,

Respondent

June 22, 2010

FINAL DECISION AND NOTICE OF FINAL DECISION REGARDING ABOVE MATTER
ARE RECEIVED BY:



Mark Wasielewski
Assistant Ethics Enforcement Officer

6/22/10

Date

NOTICE OF FINAL DECISION

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

Docket # 2010-01UP

Michael K. Sanders,

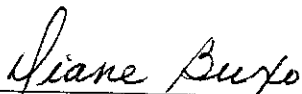
Respondent

June 22, 2010

TO: Ethics Enforcement Officer, Office of State Ethics; and Michael K. Sanders, Respondent.

This will serve as notice of the Final Decision of the Citizen's Ethics Advisory Board, Office of State Ethics, in the above matter as provided by Connecticut General Statutes § 4-180 (c). The Citizen's Ethics Advisory Board adopted the Final Decision in the above-captioned case at its regular meeting of June 17, 2010.

By Order of the Citizen's Ethics Advisory Board
of the Office of State Ethics



Diane Buxo, Acting Clerk of the Board

In the Matter of a Complaint by

Final Decision

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2010-01UP

against

Michael Sanders,

Respondent

June 22, 2010

The above-captioned matter was heard as a contested case on May 18, 2010, with the complainant appearing and presenting testimony, exhibits and argument on the complaint. The respondent did not appear.

After considering the entire record, the following facts are found and conclusions of law are made:

1. It is found that, having failed to receive the respondent's Statement of Financial Interests ("SFI") filing by May 1, 2010, the complainant informed the respondent, by letter dated May 6, 2010, that a hearing on this matter was scheduled for May 18, 2010. It is found that the May 6, 2010 letter was accompanied by a formal Notice of Hearing, also dated May 6, 2010. Such notice was issued pursuant to the authority and jurisdiction vested in the Office of State Ethics ("OSE") by General Statutes § 1-88 (b).
2. It is found that the May 6, 2010 notice of hearing informed the respondent that, if the Citizen's Ethics Advisory Board ("Board") finds that a violation has occurred, it may impose a penalty of up to ten dollars (\$10) per day for each day that the form was late.
3. It is found that the OSE issued proper notice to the respondent.

4. It is found that the issues presented are:

- a) whether the respondent violated § 1-83 (a) (1) by failing to file, on or before May 1, 2010, a SFI form for calendar year 2009;
- b) whether the Board should impose a civil penalty in this matter, if it finds that the respondent violated § 1-83 (a) (1).

5. Section 1-83 (a) (1) provides, in relevant part:

All . . . such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the Office of State Ethics on or before the May first next in any year in which they hold such a position.

6. Section § 1-88 (b) provides, in relevant part:

[The Board] may, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, upon the concurring vote of six of its members present and voting, impose a civil penalty not to exceed ten dollars per day upon any individual who fails to file any report, statement or other information as required by this part In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.

7. It is found that the respondent was a member of the Department of Public Works and, as such, a member of the executive department and a required SFI filer for calendar year 2009, within the meaning of § 1-83 (a) (1).

8. It is found that the respondent received notice of his designation as a required filer.

9. It is found that the respondent did not file the 2009 SFI form with the OSE on or before the first of May 2010 as required by § 1-83 (a) (1).

10. It is therefore concluded that the respondent violated § 1-83 (a) (1), by failing to file the required 2009 SFI form with the OSE on or before the first of May 2010.

11. It is found that the responsibility to file the required 2009 SFI form is a continuing one and that the failure to meet the responsibility is a continuing violation of § 1-83 (a) (1).

12. It is found that, as of the date and time of the hearing in this matter, the respondent did not file the 2009 SFI form with the OSE, making the form sixteen (16) days late.

13. It is concluded that, under § 1-88 (b), the Board may impose on the respondent a maximum civil penalty of ten dollars (\$10.00) per day for every day the form is late.

The following order by the Board is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondent shall, within ten (10) days of the mailing of the notice of final decision in this case, remit to the OSE a civil penalty in the amount of ten dollars (\$10.00) per day for every day between May 2, 2010, and until the form is filed, but not to exceed ten thousand dollars (\$10,000).
2. Henceforth, the respondent shall, if designated an SFI filer within the meaning of § 1-83 (a) (1), file the SFI in a timely fashion.
3. The board notes that this is the second and consecutive year that the respondent has failed to timely file the SFI form.
4. The Office of State Ethics shall immediately send notice of the Final Decision in this matter to the Commissioner of the Department of Public Works for such action as she deems appropriate.

Approved by Order of the Citizen's Ethics Advisory Board at its regular meeting of June 17, 2010.



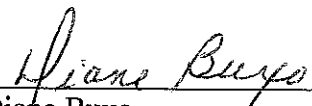
Diane Buxo, Acting Clerk of the Board

PURSUANT TO CONNECTICUT GENERAL STATUTES § 4-180 (c), THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS PROVIDED TO THE OFFICE OF STATE ETHICS, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVES.

THE PARTIES TO THIS CONTESTED CASE ARE:

ETHICS ENFORCEMENT OFFICER
C/O: MARK WASIELEWSKI, ASST. ENFORCEMENT OFFICER
OFFICE OF STATE ETHICS
18-20 TRINITY STREET, SUITE 205
HARTFORD, CT 06106

MICHAEL K. SANDERS
72 BOGGY HOLE ROAD
OLD LYME, CT 06371



Diane Buxo
Acting Clerk of the Board